

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A. W.,

Plaintiff,

v.

PIEDMONT UNIFIED SCHOOL
DISTRICT,

Defendant.

Case No. [24-cv-06230-TSH](#)

**ORDER DENYING REQUEST FOR
DISMISSAL**

Re: Dkt. No. 23

A Request for Dismissal has been filed by Plaintiff A. W. ECF No. 23. However, there are two issues with Plaintiff's request. First, "District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c), to safeguard the interests of litigants who are minors." *Robidoux v. Rosengren*, 638 F.3d 1177, 1181 (9th Cir. 2011). "In the context of proposed settlements in suits involving minor plaintiffs, this special duty requires a district court to 'conduct its own inquiry to determine whether the settlement serves the best interests of the minor.'" *Id.* (quoting *Dacanay v. Mendoza*, 573 F.2d 1075, 1080 (9th Cir. 1978)). Thus, prior to seeking dismissal, Plaintiff must file a motion to compromise A.W.'s claims, addressing whether the terms of the parties' settlement are fair and reasonable. Second, as Defendant has filed an answer (ECF No. 10), dismissal would only proper only by a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) signed by all parties who have appeared or a motion for dismissal pursuant to Rule 41(a)(2).

Accordingly, Plaintiff's request for dismissal is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated: April 29, 2025


THOMAS S. HIXSON
United States Magistrate Judge